

REMARKS

This is in response to the Action of March 21, 2005 having an extendable period for response set to expire on June 21, 2005. Reconsideration of the present application in view of the above amendments and following remarks is respectfully requested.

I. STATUS OF THE CLAIMS

Claims 1 to 12 and 14 to 49 are presently pending. Claims 16 to 22 have been withdrawn from consideration. Claim 13 has been cancelled. Claims 23 to 49 have been added. Claims 1, 5, 8, 14 and 15 have been amended, without prejudice. Applicants hereby reserve the right to pursue such claims as originally presented, or claims of a similar scope, in a related application. The amendments to the claims are supported by the claims as filed and in the specification.

II. THE EXAMINER'S REJECTIONS ARE OVERCOME/TRAVERSE

The Examiner has provisionally rejected Claims 1 to 15 as being unpatentable over Claims 1 to 15 of co-pending Application No. 10/679,871 in view of U.S. Patent No. 5,891,942 to Parish et al. (hereinafter "Parish"). Although Applicant respectfully disagrees, in the event that subject matter is found allowable Applicant will consider the filing of a terminal disclaimer.

A. CLAIMS 1 TO 15 AND 23 to 49 ARE PATENTABLE OVER MANI

The Examiner has rejected Claim 1 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,816,283 to Mani (hereinafter "Mani"). Claim 1 has been amended to incorporate the limitation of Claim 13. The adhesive composition of Claim 1 is therefore limited to one having a pull out performance after one hour at a temperature of 23°C of at least about 70 KN. Mani does not disclose this limitation and thus does not disclose or suggest the composition of Claim 1.

Further, the Examiner has not rejected Claims 2 to 15 over Mani, implicitly determining Claims 2 to 15 patentable over same. Thus, Claim 1 as amended to include the limitation of Claim 13 has been implicitly determined patentable over Mani.

New Claim 23 is original dependent Claim 4 rewritten in independent form. Claim 23 is therefore limited to the adhesive composition having a reactive multifunctional acrylate wherein a major proportion of such acrylate is at least tri-functional. Mani does not disclose or suggest this limitation and thus does not disclose or suggest the composition of Claim 23 and Claims 24 to 34, which are dependent therefrom. Further, Claims 23 to 34 have been implicitly determined patentable over Mani for the above-detailed rationale.

New independent Claim 35 recites the limitations of original Claim 1 and additionally limits the ethylenically unsaturated monomer to the general class of monomers exemplified by vinyl toluene in original dependent Claims 11, 13 and 14, namely aromatic monomers. Mani does not disclose the use of aromatic ethylenically unsaturated monomers, specifically stating that such monomers are inoperative with the invention disclosed therein (Col. 3, lines 20-21), and thus Mani does not disclose and in fact teaches away from the composition of Claim 35 and Claims 36 to 49, which are dependent therefrom. Further, Claims 35 to 49 have been implicitly determined patentable over Mani for the above-detailed rationale.

**B. CLAIMS 1 to 15 and 23 to 49 ARE PATENTABLE OVER THE
COMBINATION OF PARISH AND LIU**

The Examiner has rejected Claims 1 to 15 under 35 U.S.C. § 103(a) as being unpatentable over Parish in view of U.S. Patent No. 5,096,783 to Liu et al. (hereinafter "Liu"). Claims 1 to 15 are patentable over Parish in view of Liu as the combination of same does not produce the composition of Claims 1 to 15.

The Examiner acknowledges that Parish "does not disclose [a] polymerizable vinyl ester compris[ing] the reaction product of an epoxy compound and a compound containing an ethylenically unsaturated [monomer]". (See Action, p. 4). The Examiner then combines Parish with the "polymerizable vinyl ether" of Liu, which comprises the reaction product of an epoxy compound allegedly readable in Claim 8 and a compound containing an ethylenically unsaturated monomer, to produce the polymerizable vinyl ester of Claims 1 to 15. (See Action, p. 4).

However, the epoxy ether compound of Liu does not fall within the epoxy compound structure Formula (I) of Claim 8. Further, the Examiner provides no additional rationale for the apparent conclusion that the polymerizable vinyl ether produced by the combination of Parish and Liu is equivalent to the polymerizable vinyl ester of the Claims 1 to 15. Thus, Claims 1 to 15 are at least patentable over Parish in view of Liu for the above-detailed rationale.

New independent Claims 23 and 35 recite the limitations of original Claim 1, including the polymerizable vinyl ester. As such, Claims 23 and 35, and Claims 24 to 34 and 36 to 49 which are respectively dependent therefrom, are at least patentable over the combination of Parish and Liu for the above-detailed rationale.

As noted above, Claim 1 has been amended to incorporate the limitation of Claim 13. Claims 1 to 15 are further patentable over the combination of Parish and Liu as such references each do not disclose adhesive compositions having a pull out performance after one hour at a temperature of 23°C of at least about 70 KN. Thus, Claims 1 to 15 are additionally patentable over Parish in view of Liu as the combination of same does not produce the composition of Claims 1 to 15.

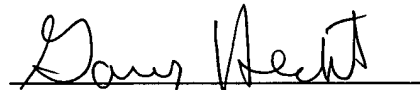
III. CONCLUSION

In view of the above amendments and remarks, the present application is in condition for allowance and a Notice of Allowance is therefore earnestly solicited. The Office is invited to contact applicant's undersigned counsel by telephone to resolve any further matters in connection with this application.

No fee for this response is required, nevertheless, the Commissioner is hereby authorized to charge any fees which may be associated with this communication or credit any overpayment to Deposit Account No. 19 5425. A duplicate copy of this transmittal is attached.

Respectfully submitted,

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